

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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State of Minnesota,  
by Michael Campion, its  
Commissioner of Public Safety,

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

CMI of Kentucky, Inc.,  
a Kentucky corporation,

Defendant,

**DEFENDANT'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE, FOR  
JUDGMENT ON THE PLEADINGS**

and

Robert J. Bergstrom, Craig A. Zenobian,  
Shane M. Steffensen, and Christopher D.  
Jacobsen,

Plaintiff-Intervenors.

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Defendant CMI of Kentucky, Inc. respectfully moves this Court for Partial Summary Judgment or, in the alternative, for Judgment on the Pleadings, in favor of Defendant on Counts II, III and IV of the State's Complaint, Count I of Plaintiff-Intervenors' Complaint-in-Intervention, and for Summary Judgment on Count II of Defendant's Counterclaim. This motion is based upon the file, record, pleadings in the case, arguments of counsel, and the memoranda of law to be filed in the ordinary course.

Dated: February 27, 2009

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.

s/William A. McNab

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